

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:07CV20
)	
v.)	
)	
2004 SILVER CHEVROLET)	MEMORANDUM AND ORDER
MINIVAN, VIN)	
1GBFG15T041229457,)	
)	
Defendant.)	
_____)	

Claimant, Darrell Mooring, has filed a pro se motion for reconsideration, asking for the appointment of counsel and claiming that the judgment entered in this case should be reopened.

First, as noted in my memorandum and order of August 8, 2007, filing 27, Mr. Mooring was represented by counsel at the trial of this case and remains represented.

Second, the motion seeks to reopen a judgment; as such, it is construed as a motion for new trial. However, even if the motion were filed by counsel, it would not be timely. Fed. R. Civ. P. 59 requires that a motion for new trial be filed within ten days following the entry of judgment. Judgment in this case was entered June 20, 2007. Filing 23. The motion cannot be considered by the court.

IT THEREFORE HEREBY IS ORDERED,

The motion, filing 28, is denied.

DATED this 24th day of September, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge